

Paper No. 579
Disposes of
Paper No. 516 in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	} ORDER: } THAT FACILITIES TO INTER- } VIEW CERTAIN WITNESSES } REQUESTED BY THE ACCUSED } H/TA, SHUNROKU, BE PROVIDED; } AND FOR THE PRODUCTION OF } DOCUMENTS.
- vs -	
RAKI, Sadao; et al	

This matter coming on to be heard on this 12th day of November, 1946, before the Honorable Sir William Webb, the President of the Tribunal, upon the application of H/TA, Shunroku, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said H/TA, Shunroku, in accordance with provisions of Section 3, Article 9, paragraph (e) of the Charter, the names of said witnesses and the descriptions of the documents being set forth in said application, which is Paper No. 516; and after hearing the statements and arguments of counsel for the said H/TA, Shunroku, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to counsel for the accused H/TA to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located or held:

1. Father JAQUINOT

(e) The witness is a French Catholic Priest,
and is now residing in Shanghai or Nanking,

2. EGGLEY (Christian name unknown)
 - (a) The nationality of the witness is Swiss.
He is a member of the International Red Cross and is now in Shanghai as a Member of the Swiss Legation or Consulate there.
3. Lieut. General Saburo Kawanura
 - (a) Formerly Chief of the Military Affairs Section at the time the accused HATA, Shunroku, occupied the position of Japanese War Minister.
 - (b) The nationality of the witness is Japanese.
He is now a prisoner of war at Singapore, or in Java.
4. Major General Michio Kato
 - (a) A former Secretary of the War Ministry at the time the accused HATA, Shunroku, occupied the position of War Minister.
 - (b) The nationality of the witness is Japanese.
He is now believed to be a prisoner of war of the Soviet Union.

It is further ORDERED: That the application of the accused for the production of documents is granted; and that the following documents, which may be located at the place or in the custody of the agency set forth opposite the descriptions of said documents, be procured forthwith and lodged with the Registry of the Tribunal:

	<u>DOCUMENT</u>	<u>LOCATION</u>
1.	The Shanghai Nippo, a newspaper published in the city of Shanghai, China, in the Japanese language. The issues desired are: 1 February 1938 to 20 December 1938 and 1 March 1941 to 22 November 1944	Shanghai, China

2. Shanghai Nichi Nichi, a newspaper published in the city of Shanghai, China, in the Japanese language. The issues desired are:
Shanghai, China
1 February 1938 to 20 December 1938
and
1 March 1941 to 22 November 1944
3. Teiriku Shinbo, a newspaper published in the city of Shanghai, China, in the Japanese language. The issues desired are:
Shanghai, China
1 February 1938 to 28 February 1939
and
1 March 1941 to 22 November 1944
4. Log (or photostatic copy thereof) of all American naval vessels including gunboats that were in vicinity of Hankow from 25 October to 30 October 1938.
(a) May be located in Navy Department, Washington, D. C.
5. The records, or other files of the U.S. 14th Air Force of its missions over Changsha, Hengyang, Kweilin and Liuchow June 1944, August 1944, October 1944 and November 1944.
(a) May be located in Army Air Force Headquarters, Washington, D. C.
6. The book entitled "Record of the Facts of Illegal Acts and Resistance Accompanied with Destruction Committed by the Chinese Communists."
(a) May be located in Nanking, China, or capital of the Chinese Government.
7. The order of the Chungking government for the beginning of Guerilla Warfare against the

Japanese forces in China. This order was promulgated in or about the year 1938.

(c) May be located in Nanking, China, or capital of the Chinese Government.

8. Appendix to the book "Instructions In Important Strategic Affairs", a Japanese military book issued by the Japanese military authorities.

(c) May be located in Imperial Japanese Government, Tokyo, Japan.

9. The book "Instructions on Chemical Warfare."

(c) May be located in Imperial Japanese Government, Tokyo, Japan, or the Prosecution might have copy.

10. A copy of every trial for atrocities or mistreatment of prisoners of war in which former members of Japanese Military forces have been the accused before American Military Tribunals in China since the termination of hostilities.

(c) U. S. Army China Command, Nanking; or, if moved to Washington, D. C., War Department.

11. A copy of every trial for atrocities or mistreatments of prisoners of war in which former members of Japanese military forces have been the accused before Chinese Tribunals in China since the termination of hostilities.

(c) May be located in Nanking or the Chinese Capital.

12. The reports, or a copy thereof, of the American Military Attaches in China for the year 1938 and the years 1941-44, inclusive, with particular reference to the fall and occupation of the cities of Changshu, Hongkong, Kweilin and Lieuchow.

13. The reports of the American Military Attaches in Tokyo for the years 1939 and 1940.

(c) May be located in either War Department or State Department, Washington, D. C.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations as hereinbefore authorized and ORDERED, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses selected from the list named in his original application (Paper No. 516) as may be found necessary to his proper defense in this case, as a result of said interrogations.

Dated at Tokyo, Japan, this 26 November 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT OF THE TRIBUNAL